

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- v. -
:
VIKRAM DATTA,
:
Defendant.
:
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USDC SDNY
DOCUMENT
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DATE FILED: 2-21-2023

**PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSETS**

11 Cr. 102 (LAK)

WHEREAS, on or about August 9, 2011, VIKRAM DATTA (the “Defendant”), was charged in a three-count Superseding Indictment, 11 Cr. 102 (LAK) (the “Indictment”), with conspiring to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Counts One and Two); and conspiring to violate Title 18, United States Code, Section 1952, in violation of Title 18, United States Code, Section 371 (Count Three);

WHEREAS, on or about September 27, 2011, the Defendant was convicted after trial of Counts One through Three of the Indictment;

WHEREAS, on or about December 20, 2011, the Court entered an Order granting a judgment of acquittal as to Count One (D.E. 75);

WHEREAS, on or about February 7, 2012, the Court entered a Preliminary Order of Forfeiture which imposed a money judgment against the Defendant in the amount of \$29,505,265 (the “Money Judgment”), representing property involved in Count Two of the Indictment and proceeds traceable to Count Three of the Indictment; and forfeiting all right, title, and interest in certain assets (the “Specific Property”) (D.E. 89);

WHEREAS, on June 12, 2013, a First Final Order of Forfeiture was entered, forfeiting all right, title, and interest to the Government of a portion of the Specific Property (the “Forfeited Assets-1”) (D.E. 123);

WHEREAS, on October 13, 2016, a Second Final Order of Forfeiture was entered, forfeiting all right, title, and interest to the Government in the remaining Specific Property (the “Forfeited Assets-2”) (D.E. 179);

WHEREAS, to date, \$28,134,558.55 of the Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the Defendant’s offenses, despite the exercise of due diligence in investigating the assets of the Defendant; and

WHEREAS, the Government has identified the following specific assets in which the Defendant has an ownership interest:

- a. \$4,960.00 in United States currency currently held in the International Bank of Commerce, Account No.: 921377506;
- b. \$51,011.41 in United States currency currently being held in the International Bank of Commerce, Account No.: 2110966793;
- c. \$501.09 in United States currency, currently being held in J.P. Morgan Chase, Account No.: 002744097219; and
- d. \$8,000 in United States currency seized on or about January 18, 2011 from the Defendant’s home;

(a through d, collectively the “Substitute Assets”); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant’s right, title and interest in the Substitute Asset.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure, custody and control.
3. Upon entry of a Final Order of Forfeiture, the Substitute Assets, shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.
4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.
5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts

supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

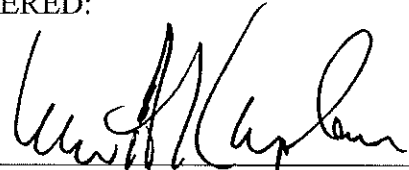
6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
February 21, 2023

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Lewis A. Kaplan', is written over a horizontal line.

HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE